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## **BLM Releases Draft Resource Management Plans**

On April 24, the Bureau of Land Management (BLM) released for public review and comment draft Resource Management Plans for six districts in western Oregon encompassing over 2.5 million acres of BLM managed forestland, including the Oregon & California (O&C) Grant Lands. Once finalized, these plans will replace Northwest Forest Plan-era plans and guide the future management of these lands, including outlining sustained-yield timber harvest levels as required by federal law.

The over 2 million acres of O&C forestlands are of critical importance to the health of communities across 18 western Oregon counties. Since 1937, the O&C Act has required that these lands be managed primarily for sustained-yield timber production to generate jobs, economic activity, and revenue for local governments. These lands are capable of sustainably producing over 1.2 billion board feet of timber every year. In recent years, less than a quarter of what the forest grows each year has been harvested, resulting in economic turmoil across many O&C communities and declining forest health as fuel loading continues to increase.

Of the 2.5 million acres, only 556,000 acres (22 percent) would be designated as a timberland base for future land management under the preferred alternative. This would yield a harvest of only 234 million board feet (mmbf), which is less than 20 percent of the annual growth of these lands and far short of the level needed to maintain the health and resiliency of these forests or address the economic plight of our rural communities.

The harvest levels identified under all alternatives, including the 486 mmbf outlined as the maximum volume alternative, are also highly uncertain since the BLM has no protection from never-ending environmental litigation and has received no assurances on how the U.S. Fish and Wildlife Service will respond to the plans or individual timber sales under the Endangered Species Act. The previous Resource Management Plans that were adopted in December, 2008 (the Western Oregon Plan Revisions) had a preferred harvest level of 502 mmbf with other alternatives providing even higher outputs. The Obama Administration immediately sought to jettison those Bush-era plans.

Two decades of gridlock and anemic harvest levels on the O&C lands have plunged many rural communities into economic turmoil, which is borne out by many measurements of economic health that put Oregon near the bottom of national rankings, including being the state with the highest per capita use of food stamps. Unfortunately, the BLM's draft plans and associated socio-economic analysis completely ignore the economic plight facing our rural communities and the BLM's role in contributing to the conditions that exist today.

The federal courts in Washington, D.C. and on the West Coast have affirmed the clear mandates of the O&C Act for timber production and our industry will continue its legal efforts to ensure that any Resource Management Plans for the O&C lands comply with the law. These draft RMPs fall far short of the mark. We will work with the BLM to improve these draft RMPs and will also continue working with Congress to address the never-ending appeals, litigation, and analysis paralysis that have stymied efforts to restore balance to the management of our federal forests.

Comments on the draft plans are due July 23 with informational meetings scheduled in several locations.  
*/Tom Partin*

## **2015 Annual Meeting - All About Successes**

The theme of this year's Annual Meeting was "Creating Success." The first success was the great attendance and feedback that staff received from many attendees regarding the positive messages that made the meeting one of the best in recent years.

Heath Heikkila, Cascade Public Affairs and Bill Imbergamo, Executive Director of the Federal Forest Resource Coalition opened the session with a presentation titled "Drawing up the Blueprint for Success." Heath and Bill discussed efforts that are underway to better implement recent legislative successes, including the 2014 Farm Bill forestry title, and to pass broader federal forest reform legislation. They also discussed the makeup of the 114<sup>th</sup> Congress and new leaders in both chambers that are dedicated to forestry reform.

Hakan Ekstrom, Wood Resources International spoke about demand for North American logs and lumber and how that is driven by Pacific Rim countries including Japan, China, and Korea. Hakan also gave his forecast for new housing starts for the coming years.

The next presentation was a panel made up of members of academia that included Randy Brooks, University of Idaho; Tom DeLuca, University of Washington; and Thomas Maness, Oregon State University. The theme of their presentations was "Laying the Foundation for Success." Each presenter outlined their respective forestry and natural resource programs, the number of graduates, and where they are being placed.

The final panel of the morning was titled "On the Ground Success" and highlighted four success stories of getting public timber to the market place. Paul Harlan from Collins Pine spoke about the successes they have had in getting Forest Service burnt timber salvaged in Region 5 and into their plant at Chester, California. Kim Pierson from the Payette National Forest outlined how the forest, collaborators and counties were able to implement the Lost Creek, Boulder Creek, a landscape sized project. Tom Shay from the Washington Department of Natural Resources reported on how DNR was working to keep the harvest levels up despite environmental pressure and lawsuits, murrelet habitat restrictions, and other issues. Finally, Abe Wheeler from the BLM described how he has been able to design regeneration timber sales that meet timber output goals as well as other resource benefits.

Dr. Peter Goldmark, Washington Commissioner of Public Lands, was our luncheon speaker. Dr. Goldmark outlined DNR's efforts to maintain a strong timber sale program while dealing with the issues of litigation, providing murrelet habitat, and developing a new sustained yield calculation for the lands they manage. He also outlined the carbon sequestration benefits of active forest management.

Our afternoon keynote speaker was Representative Cathy McMorris Rodgers (R-WA) who discussed the importance of federal forests to her district and communities including Colville and Kettle Falls. McMorris Rodgers presented her views on what problems are stymying management on our forests and ideas for legislation that may break the paralysis.

The day concluded with the Regional breakout sessions with representatives from Forest Service Regions 1, 4, 5 and 6; Oregon BLM; and Washington State DNR. A special thanks goes out to all of the personnel from these agencies who took the time to give us their perspectives on their programs and what they will deliver in the coming year.

The final day began with a discussion on the U.S./Canadian Softwood Lumber Agreement: “What Will Follow the U.S. Canada Softwood Lumber Agreement, A U.S. Industry Perspective.” Presenters were Zoltan van Heyningen from the U.S. Lumber Coalition and past Coalition Chairman Steve Swanson. Since the current agreement expires this October, the discussion centered on new factors that are in play today that need to be considered to help shape a new softwood lumber agreement (i.e. exchange rates are different, log supply issues have changed). Simply extending the existing agreement is not acceptable.

Representative Derek Kilmer (D-WA) was the keynote speaker. He discussed the importance of public timber harvest to rural communities and his efforts to get a collaborative group engaged on the Olympic National Forest to increase harvest levels on that very productive landscape. Kilmer serves on the House Appropriations Committee, including the Interior Subcommittee, which is influential in getting better budgets for both the Forest Service and BLM.

The final panel of the meeting was titled “Assuring Success in the Courtroom” and focused on the outstanding work our in-house and outside attorneys have been doing to get projects out of the courtroom and available for operation by our members. Panel members included Rob Molinelli, AFRC Staff Attorney; Mark Rutzick, Mark C. Rutzick, Inc.; and Elaine Spencer, Miller, Nash Graham and Dunn.

We would like to thank all of the attendees and presenters whose combined efforts and support made this event our most successful Annual Meeting yet.

Please mark March 29-31, 2016 on your calendar for next year’s Annual Meeting which will be held again at Skamania Lodge in Stevenson, Washington. / *Tom Partin*

## **Jazz Decision Affirmed**

On April 15, the Ninth Circuit Court of Appeals issued a memorandum opinion and order allowing the Jazz Project on the Mt. Hood National Forest to go forward.

In July 2013, Bark filed a lawsuit claiming the Forest Service violated the National Forest Management Act and the National Environmental Policy Act in designing the Jazz Project, a 2,000 acre thinning project in the Clackamas watershed. AFRC member Interfor U.S. Inc., (Interfor) who purchased some of the sales intervened to defend the project, and was represented by AFRC staff attorneys. Interfor and the Forest Service prevailed at the district court level, and Interfor was able to begin operating last

summer. Bark appealed the district court judges' decision to the Ninth Circuit and the case was heard by a panel of judges on March 2 in Portland.

The panel's opinion and order are relatively short, and affirm the district court's decision across the board. Because it is a memorandum opinion, it is technically not precedential in the Ninth Circuit. Regardless, the victory is still meaningful because it reaffirms the principles of agency deference in designing and implementing projects, and allows a project that is the result of years of planning to go forward.

More information about the Jazz Project and the district court's opinion can be found in the [April 2014 Newsletter](#). /Rob Molinelli

### **Carlton Complex Salvage Goes Forward**

On April 13, the Washington Pollution Control Hearings Board (PCHB) denied a request by Carlton, Washington property owner Kathleen Yockey, Conservation Northwest, and Kettle Range Conservation Group for injunctive relief to stop DNR's salvage of 6.8 million board feet of timber on 1,285 acres of the Carlton Complex fire. The fire burned 250,000 acres of state, federal and private land in Okanogan County in July, 2014. A stay would have meant the area could not be rehabilitated because timber sale proceeds are what will pay for road and soil stabilization and reforestation.

In its [decision](#), the PCHB said the appellants are unlikely to win when the case goes to hearing. Although the appellants expressed concern over the use of ground-based equipment on erodible soils, the PCHB deferred to DNR's knowledge and expertise and found that the proposed operations comply with the forest practices rules designed to prevent sedimentation. The PCHB also rejected the appellants' efforts to rely on a 2009 study of a California wildfire to show that the logging would remove trees that are not dead or dying.

AFRC and its members Hampton Resources and Vaagen Bros. Lumber are intervenors in the case. Okanogan County also intervened and Stevens County filed an amicus brief opposing a stay, expressing concerns over forest health and jobs.

A hearing before the PCHB is scheduled to begin on May 18. /Ann Forest Burns

### **Forest Planning Rule Case Decided**

On April 28, D.C. Federal District Judge Ketanji Brown Jackson issued her opinion in favor of the Forest Service in a case challenging the 2012 Forest Planning Rule. (See, [AFRC newsletter August 28, 2012](#).)

AFRC and 12 other plaintiffs, representing a broad coalition of timber, grazing and recreation users, [brought suit](#) in 2013 challenging the rule for violation of the Organic Act, the Multiple-Use Sustained-Yield Act, and the National Forest Management Act.

In her decision, Judge Jackson stated that the timber, grazing, and recreation groups cannot make the necessary showing of "imminent harm" because no forest plans have been completed under the new rule and no projects have been approved under any new plans. This is particularly frustrating because a basic premise of our case was that the mandates of the new planning rule will reduce that amount of timber

harvest, grazing and recreation on Forest Service managed lands. The judge also refused to consider arguments that reductions in timber harvest will result in increased wildfire risk.

AFRC and its allies will be considering where to go next in our efforts to rectify the problems created by the latest version of the planning rule. */Ann Forest Burns*

## **Budget Cuts Looming?**

On April 22, the House Appropriations Committee adopted budgetary allocations for the various subcommittees, including the subcommittee on Interior, Environment and Related Agencies. The so-called 302(b) allocation for the Interior Subcommittee, which funds the Interior Department, Forest Service, and EPA, would be down by 1.1 percent, or \$246 million compared to current funding levels. The reductions are largely being driven by the return of sequestration, which was included in the Budget Control Act of 2011 and was only delayed by a 2013 budget deal. With Republicans in control of both houses of Congress there will be an added focus on constraining spending.

While Republican appropriators will likely propose additional cuts to the EPA budget, they also have to grapple with the ever-increasing costs of Forest Service wildfire suppression with a reduced budget allocation. Forest Service and BLM management accounts could be impacted at a time when more proactive land management activities are needed to get in front of the extreme fire conditions found on millions of forest and rangeland acres. */Tom Partin*

## **Hearings Look At Wildfire and LWCF**

### *Land and Water Conservation Fund*

Funding of the Land and Water Conservation Fund (LWCF) and the impacts to communities took center stage in two separate Congressional Committee hearings, one in the House Natural Resources' Subcommittee on Federal Lands on April 15, and one in the Senate Energy and Natural Resources Committee on April 22. LWCF was created by Congress in 1965 to fund federal, state, and local land acquisition programs through a portion of revenues generated from offshore oil and gas production.

With LWCF expiring at the end of this fiscal year, House Public Lands Subcommittee Chair Tom McClintock (R-CA) questioned why the federal government should be buying more lands when the lands that the government currently owns are in decline and need fire prevention and management. House Natural Resources Committee Chairman Rob Bishop (R-UT) voiced concern about less revenues coming from lands acquired by the federal government because they don't manage the land and can't be taxed by local governments. One of the key witnesses in the hearing was Shawn Regan from Property and Environment Research Center (PERC) who recently published "Divided Lands" which contrasted the money returned to counties from federally managed lands versus state managed lands. (See, [AFRC Newsletter March 30, 2015](#)).

On the Senate side, Lisa Murkowski (R-AK), Chair of the Senate Energy and Natural Resources Committee, revisited one of the original purposes of the LWCF act which was to acquire lands for the federal government in areas where they didn't own a lot of land - primarily in eastern states. She reported that in the Act the Forest Service was to spend no more than 15 percent of its LWCF appropriations west of the 100<sup>th</sup> Meridian, however, it has been directing 37 percent of its LWCF money at land acquisitions in the west.

The President's FY16 budget request proposes to fully fund LWCF at \$900 million, up from the current level of approximately \$300 million. While a number of committee members expressed general support of the Act, it is clear that there would be significant opposition to such a large increase in LWCF funding.

Two bills have been introduced in the House and Senate to permanently reauthorize and fully fund LWCF at the \$900 million level. In the House, H.R. 1814 is sponsored by Raul Grijalva (D-AZ) and Mike Fitzpatrick (R-PA). In the Senate, S. 890 is sponsored by Maria Cantwell (D-WA) and Ron Wyden (D-OR).

### ***Wildfires and Watersheds***

On April 23, the House Natural Resources Subcommittee on Public Lands held a hearing on wildfires on federal forests. The Subcommittee is chaired by Representative Tom McClintock, whose district experienced the 230,000 acre Rim Fire on the Stanislaus National Forest and Yosemite National Park in 2013. Since that time McClintock has focused not only on the damage to the forests, but also the damages that have occurred to watersheds, especially those where large cities like San Francisco get their water.

Witnesses included Diane Vosick of the Ecological Restoration Institute at Northern Arizona University; Philip Rigdon of the Yakama Nation; Andy Fecko of the Placer County (CA) Water Agency; and Mitch Friedman of Conservation Northwest.

Committee Republicans sought to focus on how the lack of timber harvests and management have contributed to increasing fuel loads and wildfires. Committee Democrats sought to place the blame on climate change, while promoting collaboration and ending wildfire suppression borrowing as the solutions.

This is the first in a series of hearings that Committee Republicans hope will build a record for the need to reform management on our federal lands to prevent catastrophic wildfires and degradation of other resources, including watersheds. */Tom Partin*

### **SRS Extended**

Prior to the Easter recess the House of Representatives passed a 2-year reauthorization of the Secure Rural School and Community Self-Determination Act (SRS). The reauthorization was included in the so-called "Doc Fix" legislation, which reforms how doctors are paid under Medicare, and passed by a vote of 392-37. The SRS extension will fund federal timber dependent counties for an additional two years, but payments will be reduced by an additional 5% per year in both years. The \$600 million cost to reauthorize the program was not offset and overall the Doc Fix bill is expected to add about \$140 billion to the deficit over the first ten years. Representative Greg Walden (R-OR) is widely credited with securing the inclusion of SRS in the Doc Fix legislation. The Senate also passed the Doc Fix legislation by a vote of 92-8 and the bill was sent to the President for signing.

On April 27, Agriculture Secretary Tom Vilsack announced that \$285 million in Forest Service SRS payments will go to 41 states and the Commonwealth of Puerto Rico this year in support of local schools and roads following the reauthorization. About \$40 million in payments are provided by the BLM to the O&C counties in western Oregon. Since this spending is classified as mandatory spending, it will not

impact the Forest Service or BLM operating budgets, which are determined through the annual appropriations process. /Tom Partin

## **Groundwater Directives Withdrawn**

At an April 14 hearing of the House Natural Resources Subcommittee on Water, Power and Oceans, Forest Service Deputy Chief Leslie Weldon announced that the Forest Service is withdrawing the proposed directives on groundwater management published in the Federal Register on May 6, 2014. (See, [AFRC Newsletter, May 19, 2014](#)).

AFRC helped write [comments](#) by 24 timber, grazing and recreation users of national forest lands which included a request that the directives be withdrawn because they went beyond the authority granted to the Forest Service by its enabling legislation. (See, [AFRC newsletter, September 30, 2014](#).)

AFRC is pleased that the groundwater directives are being withdrawn. /Ann Forest Burns

## **Forest Planning Listening Sessions Continue**

Between April 23 and May 11, the Forest Service is holding forest planning listening sessions for each of the Northwest Forest Plan forests in Region 6. These sessions continue the effort begun earlier this year to gather public input on how the agency should go about revising forest plans which were amended by the 1994 Northwest Forest Plan. (See, [AFRC Newsletter March 30, 2015](#).) The conversation is now being expanded to include those forests covered by the Eastside Screens which affect the national forests of eastern Washington and Oregon.

The latest meeting schedule is available at <http://www.fs.usda.gov/detail/r6/landmanagement/?cid=stelprd3831710>.

The input at meetings held so far in this series has varied widely depending on the makeup of the audience. Predictably, those closest to urban centers are dominated by voices aimed at keeping all the restrictions of the Northwest Forest Plan and current aquatic conservation strategies in place, with no recognition that the Plan has never been fully implemented or that there are new scientific studies that point to the need for more intensive riparian management in some areas.

Those who support active forest management and timber harvesting need to attend and make their views known to the Forest Service. Suggested [talking points](#) are available on AFRC's website. /Ann Forest Burns

## **Blue Mountains Forest Plan Revision Redux**

The Forest Service is in the process of "re-engaging" the interested public in the Blue Mountains Forest Plan Revision. The beleaguered plan revision encompassing the Malheur, Wallowa-Whitman, and Umatilla National Forests was released in April 2014 for a 150-day comment period. The sheer number, variety, depth and scope of the comments received clearly indicated to the Forest Service that the draft plan missed the mark.

In an April 13 news release, the agency stated "With the assistance of external partners, the Malheur, Umatilla, and Wallowa-Whitman National Forests are preparing to embark on a series of community-hosted public engagement meetings on the Blue Mountains Forest Plan Revision over the next several

months. The goal of this engagement is to encourage a dialogue among people with differing perspectives so that they can work together and identify common ground and create potential solutions which can be incorporated in the final Forest Plans.”

On April 13, AFRC hosted a meeting with industry and the Forest Service to discuss technical aspects of the plan such as ASQ, modeling data, management allocations, and growth versus mortality figures. AFRC will be holding additional meetings to provide input and feedback on the outputs required to sustain a viable forest infrastructure. */Irene Jerome*

## **Eugene BLM Invests in Roads**

Every BLM and Forest Service timber sale prospectus includes a page or two that contains what is often labeled as a Seasonal Restriction Matrix. This matrix summarizes the various operating restrictions that a timber sale purchaser will be required to adhere to once a sale is awarded. The purpose of these timing restrictions is resource protection that ranges from protections for threatened and endangered species to controlling the spread of Port Orford Cedar root disease. The typical matrix in western Oregon allows a purchaser about two months (mid-August to mid-October) of operating time that is unhindered by restrictions. Coincidentally, this is often the hottest and driest period of the year where logging operations are shutdown due to wildfire risk. Therefore, there is no period of the year where timber sale purchasers are unhindered by the threat of having to shutdown their operations.

There's very little the BLM and Forest Service can do about the hot & dry summer weather conditions that result in logging shutdown for wildfire risk. However, not all of the restrictions in the matrix are out of these agencies control. There are opportunities to mitigate the potential risk of resource damage that is often inherently associated with logging operations. One such notable opportunity is the ability to permit winter operations, particularly log hauling, by investing in the design and maintenance of key forest roads to ensure soil stability and proper drainage during wet weather conditions. The Eugene BLM District has made some of these investments over the past several years to generate timber sales that are more palatable for purchasers by making their restriction matrix a bit less daunting. As a result, in 2014 the District authorized winter haul on 65% of the acres planned for cable harvest. In 2015 this level reached 70%. Furthermore, the District will permit winter haul on an additional 10% of the total treatment acres under the condition that the timber sale purchaser invest in the upgrade of the associated road system themselves. This gives the purchaser the discretion to determine whether it is worthwhile for them to spend money on road maintenance and deliver logs to their mill in the winter, or whether it is more prudent to defer this cost and operate in the summer months.

Either way it's a win-win for the BLM. They'll receive a higher price for the timber at auction due to the reduced risk associated with heavy timing restrictions, and they may get improvements to their road system courtesy of the purchaser. Most importantly, timber sales on the Eugene District are designed to meet the same high standards of resource protection as timber sales on every other BLM and Forest Service district in western Oregon. The only difference is that they made the extra effort to identify and invest in key roads in locations where resource protection and winter logging operations can coexist.

*/Andy Geissler*



## **SPI to Purchase Simpson Shelton Operations**

Simpson Lumber Company, LLC (Simpson) and Sierra Pacific Industries (SPI) have agreed to terms for SPI to acquire the remaining assets of Simpson's sawmill operations in the Shelton, Washington area. SPI will purchase Simpson's sawmilling equipment in downtown Shelton, at the nearby Johns Prairie complex, and Dayton.

SPI separately announced that it would not operate the mills, will but instead construct at least one new, state-of-the-art sawmill and lumber planing operation on the Shelton waterfront site. SPI anticipates its new mill will be operational sometime in 2017.

Simpson expects the mill operations in downtown Shelton and Dayton to wind down over the next 60 days. Simpson will continue to own its railroad properties, tracks, tidelands and other properties in the Shelton Harbor area, and is considering options to re-purpose those facilities. Simpson Door Company will continue to operate, employing 188 people in nearby McCleary.

"We look forward to being a partner with this close-knit, supportive community," said SPI President George Emmerson. "We appreciate the opportunity to bring the next generation of lumber manufacturing to Shelton," he added. / *Tom Partin*

## **Washington Hardwoods Commission Annual Meeting**

The 2015 [Washington Hardwoods Commission](#) Annual Meeting will be held on June 9 in Mt Vernon. A variety of topics regarding Hardwoods will be covered. These include How to Successfully Grow Alder On Your Site; Genetically Improved Red Alder Seedlings; Future Hardwood Market Trends; Washington State Legislative Update; and a tour to the DNR Dodge Flats Hardwood Timber Sale looking at log scaling procedures and deduction, and mechanical log damage effects on lumber. Registration is now open. More information can be found [here](#). / *Matt Comisky*